

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

OBEL R. SUAREZ,
(A-23-213-490)

Petitioner,

vs.

ERIC HOLDER, JR., *et al.*,

Respondents.

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CIVIL ACTION NO. H-10-4759

MEMORANDUM AND ORDER

On December 30, 2010, this court directed the respondent to file a response to the petition by January 24, 2011. (Docket Entry No. 6). Copies of the court's order were mailed to the petitioner at the address he provided to the court. The order was returned by the postal service because the petitioner had been released from custody. (Docket Entry No. 7). The court has confirmed through telephone inquiry that the petitioner was released on December 29, 2010.

Under Local Rule 83.4, a pro se litigant is responsible for keeping the Clerk of Court advised in writing of his current address. The court sends notices only to the address on file. The petitioner has failed to provide the court with an accurate, current address. The failure warrants dismissal for want of prosecution. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE, ET AL., MOORE'S FEDERAL PRACTICE § 41.51(3)(b) & (e) (3d ed. 2010). Relief from this order may be sought under FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is dismissed without prejudice for want of prosecution. The December 30, 2010 order for the respondent to respond to the petition, (Docket Entry No. 6), is vacated. The petitioner's

motion to proceed *in forma pauperis*, (Docket Entry No. 2), is granted. The petitioner's motion for discovery, (Docket Entry No. 5), is denied as moot. Any remaining pending motions are denied as moot.

SIGNED on January 18, 2011, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lee H. Rosenthal', with a long horizontal flourish extending to the right.

Lee H. Rosenthal
United States District Judge